

REMARKS

In the Final Office Action¹, the Examiner rejected claims 25, 27-33, 35-41, and 43-48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,266,577 to Popp et al. ("Popp"); and rejected claims 26, 34, and 42 under 35 U.S.C. §103(a) as being unpatentable over *Popp* in view of U.S. Patent Application Pub. No. 2004/0002790 to Senn ("Senn").

Applicants amend claims 25, 31, 33, 39, and 41. Claims 25-48 remain pending.

Applicant thanks Examiner Sriraman for the telephone interview on September 24, 2009. During the interview, the Advisory Action mailed September 10, 2009, the Final Office Action, the pending claims, and the cited prior art were discussed. The Examiner agreed to conduct a formal interview, before any first Action on the merits, after the filing of this Request for Continued Examination.

Applicants respectfully traverse the rejection of claims 25, 27-33, 35-41, and 43-48 under 35 U.S.C. §103(a) as being unpatentable over *Popp*. A *prima facie* case of obviousness has not been established with respect to any of these claims.

For example, amended independent claim 33 recites a method including,

formulating a list of at least one of data that may be provided to the robot apparatus and programs that may be provided to the robot apparatus based on services requested in the service request and the information of the robot apparatus;

returning the list to the robot apparatus; [and]

receiving a selection of data or programs from the list from the robot apparatus, wherein the selected data or programs

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

are needed by the robot apparatus for the robot apparatus to comply with a request of a user.

Popp does not teach or suggest at least these elements of claim 33.

Popp discloses,

the method begins with each robot 120 transmitting status information to NCC (Network Command Center) 110
[T]he status information includes performance data defining the robot's performance in completing its assigned task. . . .

[a] performance data is based on selected criteria and provides a quantitative basis for indicating the performance or fitness of robot 120 NCC 110 evaluates the performance data received from each robot 120 and determines which robot 120 is the 'most fit' or performing best based on the selected criteria (step 320). In particular, NCC 110 ranks robots 120 by their respective transmitted performance data

(col. 4, lines 33-60) (emphases added). Formulating a rank of robots by evaluating performance data received from each robot does not teach or suggest "formulating a list of at least one of data that may be provided to the robot apparatus and programs that may be provided to the robot apparatus based on services requested in the service request," as recited in claim 33 (emphases added). Even assuming "rank" in *Popp* corresponds to the claimed "list," which Applicants do not concede, *Popp* does not teach or suggest either "data that may be provided to the robot apparatus" or "programs that may be provided to the robot apparatus," as recited in claim 33 (emphases added). This is because a robot is not provided to another robot in *Popp*. And formulating a rank based on performance data transmitted from the robots in *Popp* does not teach or suggest "formulating a list . . . based on services requested in the service request," as recited in claim 33 (emphases added).

Popp further discloses, “NCC 110 then requests and receives either the signal processing control logic of DSP 240, the motion control logic of behavioral execution unit 252, or both, from each 65 robot 120 that NCC 110 considers to be ‘most fit’ (step 330)” (col. 4, lines 62-65). The Final Office Action seems to allege that this excerpt of *Popp* teaches “returning information based on the list to the robot apparatus” (page 4) (emphasis added). Claim 33 does **not** recite returning information based on the list to the robot apparatus. Claim 33 recites “returning the list to the robot apparatus.”

Requesting from a robot to receive either the signal processing control logic of DSP, the motion control logic of behavioral execution unit, or both, in *Popp* does not teach or suggest “returning the list to the robot apparatus,” as recited in claim 33 (emphasized). Receiving either the signal processing control logic of DSP, the motion control logic of behavioral execution unit, or both from the robot in *Popp* also does not teach or suggest “receiving a selection of data or programs from the list from the robot apparatus, wherein the selected data or programs are needed by the robot apparatus for the robot apparatus to comply with a request of a user,” as recited in claim 33 (emphasized).

Accordingly, *Popp* fails to render the subject matter of claim 33 obvious. Independent claims 25, 31, 39, and 41, though of different scope than claim 33, are allowable over *Popp* for at least similar reasons as claim 33. Claims 27-30, 32, 35-38, 40, and 43-48 depend from independent claims 25, 33, and 41, and are thus allowable over *Popp* for at least the same reason as the independent claims.

Applicants respectfully traverse the rejection of claims 26, 34, and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Popp* in view of *Senn*. A *prima facie* case of obviousness has not been established.

Claims 26, 34, and 42 depend from independent claims 25, 33, and 41, and are thus allowable over *Popp* for at least the same reason as the independent claims. Even assuming that the Examiner's characterization of *Senn* is correct, which the Applicants do not concede, *Senn* fails to cure the deficiencies of *Popp*, discussed above.

Accordingly, *Popp* and *Senn* fail to render the subject matter of dependent claims 26, 34, and 42 obvious.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. As discussed during the September 24, 2009, interview, the Examiner is kindly requested to contact the undersigned at (202) 408-4320 to schedule a formal interview before any Action on the merits.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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